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US warfare in Somalia and the trade-off between casualty-aversion and civilian protection

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This article examines the ways in which the two normative concerns of casualty-aversion and civilian protection influenced US military strategy in the particular context of the asymmetric conflict in Somalia in the early 1990s. The article critically evaluates US military operations through the prism of international humanitarian law and examines whether American forces started prioritizing casualty-aversion over the safeguarding of Somali civilians. Finally, by drawing on emerging moral guidelines (such as Michael Walzer's idea of 'due care'), the article examines whether lower numbers of Somali civilian deaths could have been achieved if marginal increases to the risks faced by US soldiers had been accepted.

Keywords: US warfare; Somalia; UNOSOM II; asymmetric conflict; casualty-aversion; civilian protection; international humanitarian law; just war theory; Abdi House; Operation Michigan

Introduction

By the 1990s, the norms of casualty-aversion and civilian protection had become the two central characteristics of American warfare. Both norms, however, are inherently in conflict with one another. As a result, the dilemma facing US decision-makers was how to balance the risks to American troops against the risks posed to non-combatants.

This article examines the ways in which these two normative concerns influenced US military strategy in the particular context of asymmetric warfare. The argument advanced is that understanding the implications of this constellation requires a more comprehensive theoretical framework that not only accounts for the particular interaction generated during asymmetric conflicts but that also engages the relational aspect in American attempts to negotiate these competing normative concerns. To this end, the article investigates the extent to which asymmetric conflicts pose specific legal and moral challenges to the American ability to wage war in ways that ensure both values of casualty-aversion and civilian protection.

This theoretical framework is then tested empirically in relation to the violent clash between American military forces and Somali warlords in the early 1990s.

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Based on considerable new interview evidence, the article advances understanding of how Mohamed Farah Aided's urban guerrilla strategies exacerbated the US ability to operate in ways that ensured low risks to American military personnel and high levels of civilian protection. The article critically evaluates US military operations through the prism of international humanitarian law (IHL) and examines whether American forces started prioritizing casualty-aversion over the safeguarding of Somali civilians. Finally, by drawing on emerging moral guidelines (such as Michael Walzer's idea of 'due care'), the article examines whether lower numbers of Somali civilian deaths could have been achieved if marginal increases to the risks faced by US soldiers had been accepted.

Conflicting norms

By the early 1990s, the norms of casualty-aversion and civilian protection had become the two central characteristics of US warfare. By introducing each norm, it will be shown how an inherent trade-off exists between the two.

Civilian protection

The employment of military force by the United States has become increasingly restrained – meaning that America has tried to strengthen its own compliance with the principle of non-combatant immunity. The systematic targeting of enemy civilians in modern industrial wars has been superseded since the 1980s by efforts to minimize the level of harm to non-combatants. By coming to comply with IHL, US warfare has transcended the racism as well as the ideological *Weltanschauung* that had previously dehumanized others and had justified the fundamentally indiscriminate practice of warfare against Indians, Filipinos, Japanese, Koreans, and Vietnamese. This tectonic shift has elevated the avoidance of collateral damage to one of the central features of American warfare.¹

Yet, despite the strengthening of the principle of non-combatant immunity, the United States has not been able to wage war without enemy civilians getting killed. Inflicting harm on enemy civilians is not necessarily a breach of IHL.² Under the 1977 Additional Protocol I to the 1949 Geneva Conventions, enemy civilians can justifiably be killed provided that their death was neither the outcome of a deliberate attack, nor the result of a disproportionate use of force.³ This legal compromise between the principle of discrimination and the proportionality rule on the one hand and the recognition on the other hand that even the most restricted military operations can hardly be executed without inflicting some level of harm on non-combatants is generally referred to as the doctrine of double effect.

The way in which the doctrine of double effect has been enshrined in IHL leaves an important space for indeterminacy within which conflicting yet plausible legal claims can compete for validation. What this means is that legal controversies over the interpretation of IHL (in particular over what counted as a legitimate target and

whether the proportionality rule had been violated) proved unbridgeable.⁴ This legal permissiveness demonstrates more generally the limits of the existing legal framework to provide sufficient protection for non-combatants.⁵ In other words, one of the problems of IHL is its inability to provide a clear answer to the question of whether everything has been done to spare civilian lives. As a result, the permissiveness of IHL allows states to perform acts that are likely to have evil consequences, such as the unintended yet foreseeable killing of civilians.⁶

More importantly, the controversies over collateral damage and the targeting of dual-use facilities in recent American campaigns have shown that the legal permissiveness has not eliminated moral judgments on the use of US military power.⁷ From a moral standpoint, it may be argued that IHL is too lenient for it fails to adequately restrain the use of force in terms of its effect on civilians. The legal permissiveness of accidental (i.e. unintended) killings of civilians therefore raises important moral questions, especially since the infliction of ‘collateral damage’ has become a key characteristic of American military campaigns.

More restrictive moral interpretations of the doctrine of double effect argue that it is not enough to simply *not intend* the deaths of non-combatants.⁸ Instead, non-combatants have the moral right to something more – the right for ‘due care’ to be taken with their lives.⁹ What is needed in military campaigns is ‘some sign of a positive commitment to save civilian lives’.¹⁰ This more stringent interpretation of the principle of discrimination tries to resolve the moral inadequacy of the doctrine of double effect by supplementing it with a positive commitment to spare civilian lives.¹¹ In practical terms, this moral idea of ‘due care’ obliges commanders to take active steps to reduce (within limits) the risks to civilians even if this means increasing the risks to their own soldiers.¹²

In this article, Michael Walzer’s idea of ‘due care’ serves as a moral framework to test if the US military has done everything possible to spare enemy non-combatants or whether American casualty-aversion has compromised the level of protection afforded to Somali civilians. This brings us to the second groundbreaking transformation that US warfare has recently undergone, namely, the rise of casualty-aversion.

Casualty-aversion

The American people no longer affirm their humanism through violent acts but have instead become unwilling to accept the risk of dying in combat.¹³ First found in ancient Greek mythology and warfare, humanism constituted a dimension that turned war into an act of self-realization for warriors. It ensured that warriors accepted sacrifice, including the risk of dying, for it allowed them to invest their lives with meaning and authenticity.¹⁴ In the American case, humanism played a vital role in giving meaning to and permitting large-scale sacrifice in the Civil War, the two World Wars, as well as the Korean War. Yet, by the early 1990s, very few Americans still conceived war as a source of asserting one’s existence and as a source of individual transformation.

The big turning point in this regard occurred in the disenchanting and alienating nature of the war waged in Indochina. The Vietnam War no longer allowed US soldiers to experience war as an act of self-realization. The hero of the Vietnam War was no longer the soldier who had risked his life; the hero was the soldier who survived. This loss of humanism has translated into an unwillingness to sacrifice and manifests itself in the so-called 'body bag syndrome' and a general casualty-aversion among US political and military decision-makers.¹⁵

The rise of post-heroic warfare has created fundamental tensions with the other defining feature of US operations, the growing compliance with IHL. The resulting trade-off raises the crucial question of whether it has been possible for the United States to wage the war in Somalia in a manner that has satisfied both values of casualty-aversion and civilian protection. Or, has the rise of casualty-averse attitudes led to a type of warfare that is only riskless for US soldiers at the expense of the safeguarding of Somali civilians?

Gap in the literature and theoretical framework

What is evident from the literature is a vast amount of material which recognizes the rise of casualty-aversion and the growing respect for civilian protection. Yet, while these sources have provided good insights into the socio-historical causes behind this transformation of American warfare, most have tended to place their emphasis on only one of the two key characteristics discussed above. Put differently, instead of examining and critically contextualizing both phenomena, the majority of the literature has failed to place the trade-off between these two conflicting values at the centre of its inquiry.

Most importantly, however, these sources have one essential shortcoming. They have tended to conceive the trade-off between these key American values as merely resulting from the legal and moral tensions inherent in American warfare itself. This body of literature has thereby tended to neglect the role played by enemy behaviour, a factor external to and yet crucially shaping US behaviour in turn. By not taking the role of the adversary – and the notion of the interactive nature of war – into account, the literature has implicitly assumed that the trade-off inherent in US warfare is immune from the actions taken by the adversary. Yet, by ignoring this important aspect, it has failed to explore how the balance between these American norms has been exacerbated by the behaviour of US adversaries. War, as Carl von Clausewitz famously argued, is never waged upon a lifeless mass, but always on an animate agent who responds.¹⁶ In the unpredictable, non-linear, and interactive nature of war, 'the enemy has a vote, too'.

This article therefore puts forward the central hypothesis that any systematic investigation into the trade-off between US casualty-aversion and civilian protection cannot afford to ignore the particular dynamics generated by the interactive nature of war. Not to take this aspect into account would significantly distort any analysis of the conflicting values within contemporary US warfare.

Furthermore, the lack of focus on these interactive dynamics is particularly problematic in conflicts waged under conditions of asymmetry. As there are no adversaries resembling the level of US military might today,¹⁷ all warfare involving the American military cannot be described in any other way than as highly asymmetric in character. Conditions of asymmetry are inherently unstable because they compel the militarily disadvantaged side to adjust its strategy accordingly. They therefore generate a qualitatively different interactive dynamic between adversaries than would be the case in symmetric wars.¹⁸

In the following, the article investigates how the asymmetric clash between American military forces and their adversaries in Somalia has impacted on the norms of casualty-aversion and civilian protection. The reason why this case has been selected is that Somalia was the first asymmetric conflict the US military engaged in since the two norms of casualty-aversion and civilian protection had evolved. It therefore provides for the first historical case against which the theoretical framework can be tested.

US casualty-aversion and civilian protection during UNOSOM II

Since 9 December 1992, the US military had led the United Nations Task Force (UNITAF), a humanitarian intervention authorized by UNSCR 497, into Somalia, a country ridden by civil war and famine. Its main task had been to establish a 'secure environment' in which the distribution of humanitarian relief could be secured.¹⁹

Driven by the ghosts of Vietnam and Lebanon,²⁰ the guiding assumptions of the United States were humanitarian and therefore geared towards establishing cooperative relations with potential adversaries rather than seeking confrontation.²¹ As a result, UNITAF was characteristic for its relative lack of conflict. This benign security environment allowed UNITAF (whenever military force was used) to operate in ways that ensured both low US casualties and high levels of civilian protection.²²

This, however, came at the detriment of resolving the deeper and underlying causes of the Somali conflict. UNITAF ended up treating the symptoms, but never seriously the causes of the conflict.²³ By not confronting the warlords, the latter were allowed to keep most of their arsenals intact. Instead, the ambitious agenda of disarmament, conflict resolution, and nation-building was to be dealt with by the subsequent UNOSOM II mission.²⁴

In comparison with UNSCR 794, the mandate given to UNOSOM II in Resolution 814 (26 March 1993), was far more ambitious and authorized the UN to conduct a peace-enforcement mission under Chapter VII of the UN Charter.²⁵ If the former had been limited to protecting humanitarian relief, then the latter's call for disarmament, conflict resolution, nation-building, and democratic elections widened the mandate and aimed at resolving precisely those underlying causes of the Somali conflict that had been left unaddressed by UNITAF.

UNSCR 794 had remained limited because the casualty-aversion of the Bush administration had prevailed over the ambitious agenda pushed by the

UN Secretary General.²⁶ With the incoming Clinton administration, the American and UNSG's visions for Somalia converged rapidly. Instead of embarking on unilateral ventures, Clinton's 'assertive multilateralism' resolved to exert American power through multilateral organizations such as the UN. 'Assertive multilateralism' dovetailed nicely with Boutros-Ghali's *Agenda for Peace* vision of a more active UN, one willing to intervene in civil disputes for humanitarian reasons and for nation-building. Somalia therefore presented itself as a case to which Washington's and New York's ambitious agendas could be applied.²⁷

Yet, the Clinton administration still proved as anxious as its predecessor to extract American troops from Somalia. With Boutros-Ghali trying to ensure the continued US military commitment to UNOSOM II, the UN-US discussion in the end resulted in more US troop provisions to UNOSOM II than had been intended.²⁸ Clinton's pledge for continued American military support defied the 'control lens' of the Weinberger Doctrine as the mandate given by UNSCR 814 resembled anything but the limited and impartial nature of UNITAF.²⁹ But conceiving Somalia as the test case for his 'assertive multilateralism', the new president believed that it merited not only political and financial, but also (limited) military commitments.³⁰

Compared to the 28,000 forces that comprised the American contribution to UNITAF, only 4,500 US troops remained to serve in UNOSOM II. These consisted of 1,150 quick reaction forces (QRF) and 3,000 logistical support staff.³¹ But while the 20,000 UN forces from 20 different nations were deployed under the military command of the Turkish Lieutenant General Cevik Bir, the QRF only operated on orders of Bir's deputy commander, American Major General Thomas Montgomery.³² Thus, the US QRF (and the Delta and Army Rangers that were sent to Somalia in August 1993)³³ operated outside the UN command structure and took orders not from the UN but from senior decision-makers in Washington.³⁴ Retired US four star admiral Jonathan Howe was placed in charge of UNOSOM II as the Secretary General's special representative. A former deputy national security advisor under President Bush, Howe also took his orders from Washington rather than New York.³⁵ As a result, the complex political and military command structures of UNOSOM II created confusion about the relative roles of the UN and the United States.³⁶

Over the course of UNOSOM II, major operations undertaken on behalf of UNOSOM II would take place outside the command and control of the UN, disguising the fact that UNOSOM II operations at the core were dominated by Washington rather than New York. When UNITAF's mandate officially ended on 3 May 1993, the follow-on mission remained a US political and military undertaking.

Despite relatively similar aggregate numbers of troops between UNITAF and UNOSOM II, the massive replacement of US forces by contingents from mostly developing countries made UNOSOM II considerably weaker militarily than UNITAF at a time when the mandate was dramatically expanded. This disequilibrium between military capabilities and political ambitions meant that UNOSOM II had to accomplish more than UNITAF with less potent forces.³⁷ The only real military muscle was provided by the US QRF, which was barred

from carrying out routine operations and was exclusively deployed to provide rapid assistance to other UNOSOM II forces.³⁸

The debate over whether the attacks occurring in early June were inevitable or whether they were triggered by fundamental policy changes in New York and Washington is beyond the scope of this article.³⁹ It is a fact, however, that on 5 June 1993, Pakistani peacekeepers were attacked simultaneously at different locations in Mogadishu following the inspection of a UN-sanctioned Somali National Alliance (SNA) weapons storage site which was located next to Aideed's radio station. Twenty-four peacekeepers were killed and 57 wounded.

The immediate response at UNOSOM headquarters, in Washington, and in the Security Council was to blame Aideed's SNA for the killings.⁴⁰ Although an official inquiry did not take place until July and then took several months to publish its results,⁴¹ the UNSC in an urgent session on 6 June unanimously adopted Resolution 837, which condemned the murder of UN peacekeepers by forces apparently belonging to the United Somali Congress and the SNA.⁴² The UNSC authorized that all necessary measures be taken against those responsible, including their arrest and detention for prosecution, trial, and punishment.

The 5 June attacks marked the turning point, the official opening shot of the subsequent war between the US/UN and General Aideed. By adopting UNSCR 837, UNOSOM II transformed from a humanitarian mission into a counter-insurgency operation. According to John Hirsch, the deputy special envoy of UNITAF, 'once 837 was passed, the whole operation shifted and in fact the UN declared war on Aideed.'⁴³ And by declaring war on the SNA, UNOSOM II transformed itself into the 15th clan in the Somali power struggle.

What followed were four months of escalating urban warfare as the United States brought its military capabilities to bear on locating the warlord and destroying his militia. US combat forces, which had not been much involved in operations prior to UNSCR 837, now spearheaded UNOSOM II operations.⁴⁴

With the burden falling on the QRF, Montgomery orchestrated several operations that aimed at capturing the fugitive general and destroying his weapons depots. The initial attacks by American QRF in June and early July included air strikes and air ground searches against SNA weapons storage sites and facilities.⁴⁵ By continuing UNITAF's careful practices, these military operations – at the beginning – were generally very restrained and discriminate.⁴⁶ Overall, relatively high levels of civilian protection were achieved by illuminating targets from the air, using loudspeakers from helicopters, and giving early warnings to the local population.⁴⁷ But even the most proportionate and careful targeting could not avoid 100 Somalis (including women and children) losing their lives.⁴⁸ What was important though was that the US QRF not only refrained from harming Somali non-combatants directly and intentionally. Rather, by accepting higher risks to their own lives (through giving advance warnings and operating under high visibility), American forces took active precautionary steps that reduced the risks faced by Somali civilians.

Yet, these operations failed to capture the warlord and did little to deter the SNA. Aideed's forces rather succeeded in escalating their own attacks and

inflicting casualties on Moroccan and Italian contingents.⁴⁹ By mid July, the Americans became more frustrated as frequent raids showed little effect on their adversary. Their operating procedures gave Aided sufficient time to slip away. As will be shown, the use of firepower by US forces in the densely populated quarters of the Somali capital began to produce high levels of civilian deaths.⁵⁰ This begs the question whether escalating US tactics in this conflict were compatible with the laws of war and the ethics of the use of force. In order to examine this question, we first need to understand how Aided's asymmetric strategy posed a major challenge to American goals of achieving high levels of protection for both its soldiers and for Somali civilians.

Aided's strategic thinking

Aided's guerrilla strategy and insurgency tactics against UNOSOM II, and in particular the United States, evolved between June and October 1993. But several fundamental aspects of his strategic thinking were consistent throughout this period.

In general terms, the asymmetries in military capabilities and political interests dictated the nature of his strategy. Aided had to acknowledge his military inferiority despite the relative military weakness of UNOSOM II in comparison with UNITAF. But while the differences in military capabilities favoured UNOSOM II and constrained the options of the SNA, he clearly appreciated his advantages over the former in the asymmetry of interests.⁵¹ Here, his stakes in the conflict (political and physical survival) were ultimately much bigger than those of UNOSOM II. This allowed him to accept higher levels of sacrifice and to employ a range of tactics that UNOSOM II could not afford to take if they were to avoid increasing civilian casualties.

In addition to this he was acutely aware of US sensitivities to casualties as well as its legal commitment to respect the principle of non-combatant immunity. Exploiting these two sensitivities became the central part of his strategy.⁵² By inflicting casualties on UNOSOM II and especially US forces, the levels of sacrifice would become unacceptable and at least force the UN to accommodate to him or at best trigger withdrawal.⁵³ If the US/UN were provoked to respond with indiscriminate force, he could exploit this politically by rallying public support for his agenda.⁵⁴

Mark Bowden argues that Aided was acutely aware that civilian casualties worked to his benefit:

One way of putting pressure on an intervening force is to advertise the death and injury of civilians as this increases pressure on the latter.... It has become a standard part of these small scale wars to place civilians in harm's way on purpose. Aided deliberately thrust civilians into this in order to exploit it because democracies are susceptible to pressure and public support can be made to evaporate.⁵⁵

By inflicting casualties and by dehumanizing the conflict, Aided's strategy aimed directly at what he conceived as his adversary's centre of gravity: With

America trying to fight humanely by minimizing the harm caused to civilians, Aideed sought to maximize collateral damage; with the need to wage casualty-averse wars, he aimed at preventing the Americans from fighting that way.

This strategic reasoning illustrates not only that the 'enemy has a vote, too', but also shows the importance of the dynamic interaction that lies at the heart of this conflict. If UNITAF created a benign security environment that allowed for zero tolerance and high levels of civilian protection, then Aideed now tried to create an environment in which it became increasingly difficult for US forces to operate in ways that ensured both casualty-aversion and civilian protection.

In the escalating conflict, Aideed's men were always several steps ahead of UNOSOM actions. Part of the reasons was that UNOSOM II raids in June and early July were announced in advance, which undermined the element of surprise. But the failure to capture him was also due to the warlord's vastly superior intelligence sources.⁵⁶ He had gone underground, started changing locations every night, merely moving by foot, and avoiding electronic means of communication, which he knew would be picked up by American signals intelligence. The result was impressive: from 28 July until after the 3 October fire-fight the warlord was neither sighted nor did the Americans receive any signal intelligence of him.⁵⁷

The frustration resulting from the failing manhunt was exacerbated by the deteriorating security situation on the streets. Whenever UNOSOM forces ventured outside their compound, they encountered harassment, demonstrations, mob actions, and ambushes. This increasingly dangerous arena became even more treacherous in the aftermath of the American attacks on the Abdi House on 12 July (which is discussed below). It forced UNOSOM to launch ever shorter raids with increasingly less footprint on the ground. By October 1993, the entire city would start descending on UNOSOM forces on the ground in less than 30 minutes. At that point, the UN effectively lost control of the streets, and its patrols virtually came to an end. Aideed successfully shaped a local environment where UN/US forces could no longer operate without sustaining and inflicting unacceptable levels of casualties.

Following the 5 June attacks, the abuse of civilian immunity became a systematic tactical means in the warlord's war plans.⁵⁸ Accordingly, the SNA sent non-combatants to the front line to shield gunmen so that they might get close to and attack UN forces.⁵⁹ For example, on 17 June 1993, a combined UN force operation overran Aideed's headquarters in South Mogadishu. The resistance was fiercer than expected with civilians closing in on the peacekeepers and SNA gunmen hiding behind them. By strictly interpreting the existing RoE (Rules of Engagement), the UN forces refused to shoot at civilians and as a result took heavy casualties themselves.⁶⁰ Admiral Howe recollects:

We got a lot of UNOSOM forces killed in this particular incident . . . because they wouldn't shoot at the women who threw hand grenades and who had gunmen hidden in crowds. The Somalis used all types of tactics that we have seen in later wars.⁶¹

Unfamiliar with a local environment where the distinctions between soldiers and civilians were deliberately blurred, the restraint shown by the UN forces resulted in a disproportionate increase in their own risks. The presence of Somali civilians made it extremely difficult for peacekeepers to defend themselves without breaking existing RoE and killing non-combatants.

As a result, UNOSOM commanders relaxed the RoE by decreasing the levels of restraint to ensure higher levels of protection for UN forces.⁶² UN forces were now permitted to shoot civilians who volunteered as human shields (and thereby became combatants), yet no such permission was given in cases where Somali non-combatants were forced by the SNA to act as human shields. UNOSOM forces thus had to distinguish between voluntary and forced civilian participation.⁶³ These adjustments to the RoE were justified by military necessity as a means to re-establish an equilibrium of risk in this new and complex security environment. At the same time, however, they provide a good illustration of the way in which Aideed's asymmetric strategies started challenging the American values of safeguarding civilians whilst ensuring high standards of casualty-aversion. Given this local environment, did US forces comply with the laws of war and the moral idea of 'due care'?

UNOSOM II and the law–morality nexus

As US frustrations mounted and the conflict escalated further, considerably less restraint was exercised by US QRF. Aideed's strategies forced the United States to face the trade-off between increasing protection for US soldiers and decreasing it for Somali civilians.⁶⁴ Over the following months, concerns for US casualties were prioritized over civilian protection to such an extent that US QRF subsequently operated in manners that increasingly inflicted civilian casualties and thus sparked a debate whether US operations violated IHL.⁶⁵ For example, on 17 June, US helicopter gunships and UN artillery attacked the Digfer Hospital in southern Mogadishu, where SNA forces and Aideed were suspected to have taken refuge, and from where snipers were shooting at UN troops. Unlike earlier instances, however, when UN command had gone to great efforts to ensure that all occupants had vacated the target building, the hospital came under immediate artillery and missile fire from United States and other contingents.⁶⁶ This was a clear violation of the 1949 Geneva Convention, under which the hospital should have been protected. If one party violates the neutrality of the hospital as the SNA did, then the other party cannot simply attack it. Instead, warnings must be given and protection for civilians provided.⁶⁷ Civilians must be given the opportunity to leave and force must be used in restrained and proportionate ways. UNOSOM II did neither and instead attacked with excessive force, firing missiles and artillery rounds into the building, which at that point contained 380 patients, 230 hospital staff, and 19 doctors.⁶⁸

The attack on the Digfer Hospital did not attract much attention at the time. It is an important incident, however, because it was the precursor of the manner in which US QRF were to operate in the subsequent months.

'Operation Michigan' and the laws of war

The trends toward ever decreasing restraint in US operations culminated in the Abdi House raid, code named 'Operation Michigan'.⁶⁹ On 12 July 1993, US helicopter gunships attacked and demolished a house belonging to a senior aide of Aideed and suspected to be an SNA command and control centre.⁷⁰ Departing from previous practices when great efforts were employed to ensure that the occupants had abandoned the building before it was destroyed, no such warnings were given.⁷¹ As a result, 54 Somali occupants were killed and another 161 injured.⁷²

Admiral Howe and General Montgomery cited local intelligence sources that described the Abdi House as a command and control centre.⁷³ The objectives of 'Operation Michigan' were to respond to recent SNA attacks on UNOSOM II, decapitate the SNA leadership, disrupt its command capabilities, and drive Aideed's militia from its base of operations.⁷⁴

The justifications given for not issuing early warnings were twofold. On the one hand, the Abdi House allegedly served as a pure military facility. Eliminating the SNA leadership and military command centre depended on maintaining an element of surprise.⁷⁵ Prior warnings in previous UNOSOM raids had ensured high levels of civilian protection, but the downside was that it had allowed Aideed and his men to repeatedly slip away and evade capture. Howe and Montgomery argued that the means employed to ensure restraint in an urban conflict zone undermined UNOSOM's mandate to capture the fugitive warlord. Moreover, arguing that the Abdi House constituted a military target, no such early warning would be required legally.⁷⁶ On the other hand, providing advance notices of impending US attacks had allowed the SNA to prepare their defences, which had killed a number of UN troops in a chain of fruitless raids on Habr Gidr compounds in June and early July 1993.⁷⁷ According to Howe,

The US military took this particular operation on and said that they could not operate with warnings first, it would be too risky for US soldiers to provide a warning in advance. It was a judgment of the military commanders who felt that they could not do any operation at all... and so all I can say is this was one time where there were differences about how we would do it and it was certainly questioned from the civilian stand point. But the operation went ahead because we felt at this point that something needed to be done because a lot of bad things were happening at the time.⁷⁸

Thus, American commanders argued that the risks to QRF would be too high if they continued issuing early warnings.

This compelled the UNOSOM leadership to weigh the question of the early warnings and the concern for civilian casualties with the risks involved for US QRF and the effectiveness of the military operation. Howe recollects:

Prior to the operations on 12 July, we had bent over backwards in all US/UN operations to provide warnings first before anything was done... We did hope that innocent people would be protected. On the 12 July it is true though there was a discussion of this between myself (as the civilian in this) and the UN military planners who wanted to attack this place. When the military plan was presented

during that meeting, I questioned 'why isn't there going to be a warning? Why aren't we going to – as we always had done before – warn everybody in the house to get out?' We civilians felt that we needed to continue this practice but the US military commanders felt that they could not do any operation at all... so you're weighing then the value of the military operation, weighing of a whole number of factors and yes it was the military's judgment that prevailed.⁷⁹

Referring to the hostile local conditions, the UNOSOM II leadership concluded that military necessity and concerns for US casualties overruled concerns for Somali civilians. As head of UNISOM II, Howe could have overruled the military commanders in this particular question. By failing to do so, he effectively endorsed the departure from previous UNITAF and UNOSOM II practices.⁸⁰

If early warnings had previously been an effective means to ensure that innocent life could be spared, then the situation on the ground had escalated to such an extent that, according to US commanders, it no longer permitted US QRF to operate in ways that ensured high standards of civilian protection and zero tolerance. Given Aideed's asymmetric stance, US commanders had to choose between increasing risks to their soldiers and increasing the risks to Somali civilians. Starting with the Abdi House raid, their concern for American casualties prevailed over civilian lives.

The attitude among the senior US military on 12 July 1993 was summed up in Montgomery telling Robert Oakley, UNITAF's special envoy, (in October 1993) that 'we've got all the bad guys in one place, let's get rid of them.'⁸¹ Montgomery and Howe tried to downplay the significance of their decision by insisting that the 'precision air strike hit a key military planning cell', that 'no innocent people were killed in the incident' because it was directed at a 'war council',⁸² and that 'SNA reports about civilian casualties were pure propaganda'.⁸³ In other words, they justified the dropping of the advance warning system by referring to military necessity and the assumed absence of civilians from the property. According to their account of the Abdi House raid, the attacks on this military target were discriminate and proportionate.

The problem was that US QRF did not eliminate a war council, but instead attacked a peace meeting that was attended by elders and civilians from Aideed's Habr Gidr and a number of other subclans.⁸⁴ The building was consequently occupied by non-combatants rather than combatants. Ironically, the purpose of the clan elders' meeting that day was to force Aideed to enter peace negotiations with UNOSOM. According to Bowden,

All leaders and elders of Habr Gidr clan [were present], most of whom were opposed to the military posture that Aideed was taking against the UN. The meeting was about forcing Aideed to comply with UNOSOM II.⁸⁵

In other words, US QRF killed civilians rather than militias belonging to Aideed's SNA.⁸⁶

Although Howe and Montgomery strongly contest this view, insisting that the raid was 'legitimate' and 'not a violation of warfare', and that no 'innocent people were killed in the incident',⁸⁷ UNOSOM II has failed to produce any evidence to substantiate their claims that the Abdi House was indeed a legitimate

military target where no civilians were present.⁸⁸ By contrast, sources within and without UNOSOM II have provided evidence indicating that civilians were attending the meeting.⁸⁹

Yet, besides these indications, no hard evidence could be uncovered that could substantially challenge the accounts given by UNOSOM II commanders that – at the time of the attack – they believed the Abdi House to be a military target. According to the doctrine of double effect, the harm inflicted on these non-combatants would be legally permissible as long as their deaths were unintended, indirect, and proportionate.⁹⁰ In other words, if the raid was conducted in good faith (that it was indeed aimed at a military target), the accidental killing of civilians would not have violated IHL. Based on the statements by UNOSOM decision-makers, ‘Operation Michigan’ satisfied this principle of discrimination. As the Abdi House was thought to be a military target at the time, the deaths of and injuries to non-combatants were unintended.

The question then remains whether the raid nevertheless breached the proportionality rule enshrined in Additional Protocol I to the Geneva Conventions. According to the latter, an attack aimed at the weakening of the enemy military must not cause harm to civilians or civilian objects that is excessive in relation to the concrete and direct military advantage.⁹¹ This creates a legal obligation for military commanders to consider and weigh the potential effects on civilians with the anticipated military advantage – something that UNOSOM leaders did. It means that the legitimacy of a military target does not provide an unlimited license for the use of force. Rather, principles of military necessity and civilian protection require the attacking party to seek to avoid or to minimize civilian casualties and prohibit disproportionate attacks.⁹² The 12 July Abdi House raid arguably satisfied the principle of proportionality because the intention at the time of the attack was the destruction of a military facility which was assumed to be empty of non-combatants.

However, this interpretation was challenged on legal grounds from within UNOSOM II. According to Ann Wright, head of UNOSOM Justice Division, US QRF operated in the way they did not because UNOSOM II leaders believed the Abdi House to be exclusively occupied by combatants (evidence suggest that a civilian presence was actually assumed),⁹³ but because concerns for US casualties were prioritized over the safeguarding of civilians. In a confidential (and hitherto unpublished) memo written to Howe and Montgomery on 13 July 1993,⁹⁴ Wright argued that the attack was disproportionate for it ruled out any possibility to discriminate between legitimate and illegitimate targets:

The [legal] issue boils down to whether the [UNSC] [Security Council] resolution’s directive authorizing UNOSOM to ‘take all necessary measures’ against those responsible for attacks against UNOSOM forces meant for UNOSOM to use lethal force against all persons without the possibility of surrender in any building suspected or known to be SNA/Aideed facilities or did the SC allow that persons suspected to be responsible for attacks against UNOSOM forces would have an opportunity to be detained by UNOSOM forces and explain their presence in an

SNA/Aideed facility and then be judged in a neutral court of law to determine if they were responsible for attacks against UNOSOM forces or were mere occupants of a building, suspected or known to be an SNA/Aideed facility? Are military tactics that largely prevent possible injury to UN military forces during military combat situations (helicopter rockets against a building) appropriate when those tactics rule out any possibility for persons, particularly non-combatants, inside the building being detained, questioned and if necessary put before a court for their activities rather than facing the arbitrary lethality of powerful and anonymous weaponry?...

In previous attacks the short prior notice of impending attack, somehow gave persons in attacked buildings the option to chose between life and death as it was their decision to either stay in the building or to come out and be detained by UN forces. This is the first incident where no option was given...

Of course, if UN forces are fired upon by occupants then they would be authorized to return fire. In these operations sufficient time and forces should be built into the operation so that persons inside a facility are as much as possible accurately identified and photographed. It is important to the UN's credibility that we confirm through accurate, believable means when military operations result in death and/or capture of persons suspected of attacking UN personnel or facilities. Conducting a military operation in lightning speed without taking time to identify those who were found at a target site undercuts UN credibility when we can not with accuracy state how many persons were killed or injured, who they were and why they were in the facility.

The 'precision combined air and ground attack' was arguably meant to kill the occupants of the building in that there was no warning to depart the building. While the SC has given UNOSOM the authority to 'hold persons accountable for attacks against UNOSOM forces and to take all necessary measures against those responsible', UNOSOM should anticipate that some organizations and member states will characterize a deliberate attack meant to kill the occupants without giving all the building occupants a chance to surrender as nothing less than murder committed in the name of the UN.⁹⁵

The core issue raised by the memo is in relation to the proportionality of the force used against the occupants of the Abdi House. By employing tactics that significantly decreased possible risks to US service personnel (no advance warning issued), the nature of the attack was disproportionate for it ruled out the possibility for surrender.

Not granting any choice between 'life and death' to the occupants arguably violated Art. 57(2) of the First Additional Protocol to the Geneva Conventions, which defines the rule of proportionality as it relates to civilian casualties in the course of military action. It requires that 'effective advance warning shall be given of attacks which may affect the civilian population, unless circumstances do not permit.'⁹⁶ In the case of the Abdi House raid, Wright contends, there were clear alternatives to its destruction without advance warning; for example, rather than killing all the occupants, US QRF could have tried to detain them, place them before a court, and thereby allow civilians to remain unharmed. These alternatives, however, were ignored because of concerns for US casualties. The argument that it was too risky for US soldiers to be placed on the ground does not hold as US QRF were in fact inserted onto the ground but only after the

helicopters had fired missiles at the building.⁹⁷ It therefore might have been possible to detain the occupants rather than killing them, if other methods of engagement had been chosen.

Yet, IHL is silent on this issue. From a legal point of view, no such obligation exists. Contrary to Wright, American decision-makers within UNOSOM II have insisted that they believed they had attacked a military target where no civilians were present. Thus, the particular issue of proportionality did not arise. Moreover, even if they had assumed civilians to be present and the Abdi House had therefore been recognized as being occupied by military and civilian elements, the permissiveness of IHL would still have allowed US QRF to perform acts that would have had evil consequences – provided that the proportionality principle had been met.

The controversy over the Abdi House raid nevertheless revealed the indeterminable and permissive nature of the laws of war. The doctrine of double effect leaves an ‘important space of indeterminacy’ within which conflicting legal claims can compete for validation.⁹⁸ UNOSOM commanders and their own Head of Justice Division were able to produce opposing claims by referring to the very same legal framework. Thus, the Abdi House not only provides a good example of the scope for conflicting judgments over the permissible limits set by the laws of war but also shows the limits of the existing legal framework to provide sufficient protection for non-combatants.

‘Operation Michigan’ and Walzer’s idea of ‘due care’

From the point of view of Walzer’s idea of ‘due care’, the legal framework which protects civilians is too permissive. Instead, civilians have the moral right that ‘due care’ is taken with their lives.⁹⁹ In practical terms, this morally obliges commanders to take active steps to reduce the risks to civilians even if it means increasing (within limits) the risks to their own soldiers.¹⁰⁰ Applying this moral standard leads to a very different judgment on the Abdi House raid to the one based solely on legal criteria.

This particular point was also made by the head of the UNOSOM Justice Division. According to Wright, the UN had the moral obligation to allow the occupants to exit and be detained by the UN military before the building was destroyed:

From a moral... perspective, we counsel against conducting military operations that give no notice of attack to occupants of buildings. Although a short notice to occupants of an impending immediate attack would allow occupants to prepare some defensive tactics, arguably the commitment of the UN is to provide persons the basic right to explain their situation before they are killed.¹⁰¹

It even argued, akin to the ‘due care’ idea, that the UN should ‘hold itself to higher standards of conduct toward the civilian population... than the standard of conduct [shown] by individual member states’ military forces’.¹⁰² This would have reduced the harm to civilians considerably. From a ‘due care’ perspective, such ignorance is untenable. Discrimination gives non-combatants an exception-less

immunity from direct and intentional attacks while the proportionality of means works to minimize the magnitude of harm they potentially suffer.¹⁰³ By prioritizing concerns for their own forces over the protection of civilians, US QRF operated in ways that – while not violating the laws of war – failed to meet the conditions set by the ‘due care’ test.

Thus, from this moral point of view, US QRF were required to make a positive effort to avoid harming Somali civilians. Yet, they failed in this obligation. At the moment when Aideed’s asymmetric strategy forced US commanders to face the trade-off between increasing the risks to civilians and reducing it for their own forces, they decided to prioritize the safety of their military personnel over the lives of innocent Somalis. American tactical decisions were the exact opposite from the moral requirements set out by the idea of ‘due care’.

This moral responsibility to accept higher risks is not required if such an increase in risk would not produce any higher level of protection for non-combatants.¹⁰⁴ But in the case of the Abdi House raid, accepting higher risks to US QRF would have reduced the level of civilian harm because it would have significantly increased the American ability to differentiate between combatants and non-combatants. Issuing advance warnings would of course have alerted US adversaries of the incoming attack, but it would have permitted the civilian occupants of the building to escape and be detained rather than killed. Due to overwhelming US firepower, the continuation of such operating procedures would neither have exposed US QRF to disproportionate risks nor jeopardized the overall UN mission. Yet, because of US casualty-aversion, this overwhelming military force instead ensured minimal US casualties and maximum risks to Somali civilians. ‘Operation Michigan’ deliberately disregarded these moral conditions of the ‘due care’ test.

The 12 July ‘Operation Michigan’ became the single most important event as the decisions taken, the operations conducted, and consequences proved disastrous for UNOSOM interests in Somalia. Admiral Howe admitted that dropping the short notice policy on 12 July did not remain an exception but became the new *modus operandi*: ‘After 12 July, there were not any more warnings.’¹⁰⁵ As a result, this choice of tactics continued to dominate US operations until 3 October 1993.

The effects of the Abdi House raid

The killing of Habr Gidr clan elders served to undercut the growing internal opposition to Aideed and solidified his leadership. With the advocates of reconciliation assassinated, the Abdi House raid rallied the entire clan as well as other Somalis behind Aideed.¹⁰⁶

Any question of SNA accommodation with the United States was overtaken by the impact of the carefully planned attack, which, according to Oakley and Hirsch, ‘affected the Somali attitudes as much as the attack on Pakistanis had influenced attitudes with UNOSOM’.¹⁰⁷ The event galvanized the Somalis’ hatred towards America.¹⁰⁸ From that day, the entire clan, including those who had been

opposed to Aideed's posture against the UN, were basically at war against the United States.¹⁰⁹ US personnel, Oakley recalls,

Were only attacked thereafter. Before 12 July, the US would have been attacked only because of association with the UN, but the US was never singled out until after 12 July.¹¹⁰

If UNSCR 837 had turned the UN into a player in the Somali power struggle, then 'Operation Michigan' turned most Somalis against the United States in particular.

Considerable evidence suggests that Aideed decided to deliberately target Americans, calculating that the US inability to sustain casualties was the Achilles heel of their involvement in Somalia.¹¹¹ SNA spokesman Abdi Abshir Kahiye said that following the air strike 'there was no more United Nations, only Americans. If you could kill Americans, it would start problems in America directly.'¹¹²

The SNA attacks doubled in the month of July and again in August, killing four US soldiers on 8 August and wounding six more on 22 August.¹¹³ Howe's frustration with the lack of success led him to badger Washington for special operations forces to capture Aideed. After some hesitation, President Clinton finally authorized the deployment of 400 US Rangers and Delta Force personnel (known as Task Force Ranger [TFR]) on 23 August 1993. TFR's mission was to support UNOSOM apprehending Aideed and his lieutenants.

Between 30 August and 2 October 1993, these special operations forces conducted six raids which proved increasingly successful (destroying weapons caches, detaining some of Aideed's lieutenants, but failing to apprehend Aideed himself). Based on intelligence which reported that a meeting of high ranking SNA officials was to take place at a specific location in South Mogadishu, a seventh raid was ordered for 3 October.

The tactical plan called for elements of TFR to assault the target with the intention of capturing SNA officials and, hopefully, Aideed. In the initial stages, the operation was successful: task force soldiers descended onto the objective, isolated the target, and captured 24 SNA members. Then, as TFR was removing the detainees by road, rocket-propelled grenades brought down two special operations helicopters and TFR found itself trapped and surrounded by SNA forces and ordinary Somalis.¹¹⁴

This, according to Bowden, was the moment Aideed had been waiting for:

After six raids of TFR, Aideed had come up with a strategy to counter the superior forces: he believed that if he could shoot down one of these helicopters he could force the Americans to stay put and trap them in one spot because he knew that they wouldn't abandon the crew of the downed helicopter.¹¹⁵

The fact that US QRF and TFR almost exclusively operated with helicopters that could insert and extract teams with speed was not lost on the SNA strategists. They interpreted this as an indication of the US reluctance to place forces on the ground and of the Americans' general unwillingness to die. For them, the helicopters were not only symbols of American arrogance, but also of US casualty-aversion.¹¹⁶ In strategic terms, the SNA conceived – according to Awaleh, Aideed's chief

strategist – the helicopters ‘as the US centre of gravity’ that permitted for operations in a relatively riskless manner.¹¹⁷ Aided later confirmed this strategic reasoning in his meeting with General Toni Zinni. Zinni recalls:

I talked to Aided at length personally about the day of the battle in Mogadishu and the tactics involved . . . He said that they had watched those dangerous men at the airfield and how they operated and he made the determination that the helicopters were the vulnerability, or the center of gravity. And so when they held a meeting he put people on the roofs of the houses around the meeting place with machine guns and rocket launchers and they were to concentrate all their fire on the helicopters. He really believed if he shot a helicopter down, that it would cause the Americans to gather around the helicopters, and that he could fix them and pin them in one area. The reaction force, he said, always came out of the airfield . . . so we watched where the reaction forces came from [and] we put in an ambush, and it was only activated when we held meetings, so it would engage the reaction force or slow it down or stop it.¹¹⁸

Once the helicopters had crashed, US forces (operating with the twin elements of surprise and momentum) lost the initiative. In the conflict it marked the turning point, the moment when Aided succeeded in rebalancing the levels of vulnerability between the Americans and his SNA. He knew that with US forces pinned down on the ground the advantage of urban warfare would be on his side.¹¹⁹

The entire US mission changed from an assault planned for 19 minutes to a rescue operation that turned into a 27-hour fire-fight in which Aided dictated the terms of the conflict. With seemingly the entire city descending on the crash sites and attacking the rescue convoys, US forces were vastly outnumbered and found themselves fighting for their very survival. Abdi Queybdid, Aided’s Defence Minister, reflects on how

Aided’s biggest weapon was to tell his people: ‘Just kill one American and they will go away’. It was a belief by every Somali that the Americans were afraid to die.¹²⁰

And as Somalis proved on 3 October, they were willing to die in large numbers in order to kill one American. At least 500 were killed.¹²¹

The public outcry and political backlash in the United States, however, was not in relation to the numbers of Somalis killed but the comparatively small number of US casualties. Eighteen US soldiers lost their lives, 84 were wounded, pilot Michael Durant was captured, and video footage appeared on US television networks of a dead American being dragged through the streets of Mogadishu.¹²²

Under immense pressure for an immediate exit from Somalia, President Clinton announced a major change in his political course, arguing that the administration would undergo one more attempt at political reconciliation involving all Somali factions and that US forces would be withdrawn. By reversing his policy and ending the hunt for Aided, Clinton conceded that while the United States had won the battle on 3 October, it had effectively lost the war with Aided.

Conclusion

This article explored the ways in which the two key norms of casualty-aversion and civilian protection influenced US military strategy in Somalia. It argued that in order to fathom the strategic, legal, and moral consequences of this dynamic a more comprehensive theoretical framework was required that not only could account for the interaction generated during asymmetric conflicts but that could also engage the relational aspect in American attempts to balance these competing normative concerns. To this end, the article developed a theoretical framework that examined the extent to which asymmetric conflicts posed specific legal and moral challenges to the American ability to wage war in ways that would ensure both values of casualty-aversion and non-combatant immunity.

The article investigated the interactive dynamics underpinning the asymmetric conflict between the American military and Aideed's SNA and the extent to which it exacerbated the trade-off between US casualty-aversion and civilian protection during UNOSOM II.

Following the attacks on 5 June 1993, relations between UNOSOM II and Aideed spiralled out of control and resulted in an all-out war. Aware of US sensitivities, Aideed employed asymmetric tactics and strategies which presented UNOSOM II commanders with the dilemma that a choice had to be made between US casualty-aversion and civilian protection. This led the US military to adopt operating procedures that prioritized US casualty-aversion over Somali civilian protection. Therefore, American forces ended up employing tactics and strategies that reduced US risks while simultaneously increasing the risks to Somali civilians.

This finding has legal, moral, and strategic implications. From a legal standpoint, even though the 12 July Abdi House raid (the key turning in the conflict) and subsequent US operations did not violate IHL, the fact that large number of Somali civilians could be killed in the process demonstrates the limits of the existing legal framework to provide sufficient levels of protection for non-combatants.

This legal permissiveness, however, has not eliminated moral judgments associated with the use of force. From the perspective of Walzer's idea of 'due care', the question arises whether a higher standard of civilian protection could have been achieved by accepting greater risks to US military personnel. The article showed that marginal increases in the levels of risk to US soldiers with some certainty would have increased civilian protection. Yet no such positive steps were taken. Instead, US QRF operated in a casualty-averse manner that maximized rather than minimized the risks faced by non-combatants. US operations during UNOSOM II therefore failed to meet the moral conditions set out by the idea of 'due care'. An acceptance of higher risks to US soldiers instead could have saved civilian lives.

This failure also had significant impact on the strategic outcome of the conflict – the increasingly more ferocious nature of US operations led to such horrendous levels of civilian casualties that it first alienated Aideed's subclan and eventually most Somalis. This culminated in the infamous 'Battle of Mogadishu', which

brought American involvement in Somalia to an end. In other words, disregard for the moral restrictions set by the idea of 'due care' created repercussions for US strategic objectives.

The empirical findings on Somalia demonstrate the need to take the role of the adversary and the dynamic interaction of asymmetric warfare into account. It was Aided's asymmetric strategy that exacerbated the trade-off within US warfare between casualty-aversion and civilian protection, thereby forcing the Americans to make a choice between these two norms. This confirms the shortcoming of existing approaches that investigate the trade-off between US casualty-aversion and civilian protection without recognition of the important fact that the 'enemy has a vote, too'.

In other words, any systematic theoretical as well as empirical investigation into the trade-off between US casualty-aversion and civilian protection cannot afford to ignore the particular dynamics generated by the interactive nature of war. Not to take this aspect into account significantly distorts any analysis of the conflicting values within contemporary US warfare. And in the case of US warfare, this finding is of particular importance because Aided specifically singled out casualty-aversion and civilian protection as the centre of gravity of US warfare, a strategy that ever since has been copied by US adversaries ranging from Milosevic to Hussein and from Bin Laden to Al Zarqawi.

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Notes

1. Kaempf, 'Double Standards in US Warfare', 668–70.
2. Johnson, 'The Idea of Just War'.
3. 'Additional Protocol Additional to the Geneva Conventions (Protocol 1)'. Although the United States has neither signed nor ratified the Additional Protocol, US forces have nevertheless officially aimed to adhere to it. Thus, the Additional Protocol is generally interpreted as the standard law of the American military and more generally regarded as customary international law. For further details see Smith, 'The New Law of War', 360; International Independent Commission on Kosovo, *The Kosovo Report*, 177.
4. Kaempf, 'Double Standards in US Warfare', 668–670.
5. Smith, 'The New Law of War', 360–1.
6. Wheeler, 'Dying for Enduring Freedom', 209.
7. Thomas, *The Ethics of Destruction*, 88.
8. Walzer, *Just and Unjust Wars*, 151–9.
9. Ibid., 156.
10. Ibid.
11. Johnson, *Morality and Contemporary Warfare*, 132–3.

12. Shaw, *The New Western Way of War*, 134.
13. Coker, *Waging War without Warriors?*
14. Van Creveld, 'War', 498.
15. Record, 'Force Protection Fetishism'. For further discussion see Gelpi et al., 'Success Matters'.
16. Von Clausewitz, *On War*, 77.
17. Bacevich, *The New American Militarism*, 16.
18. Van Creveld, *The Transformation of War*, 58.
19. Wheeler, *Saving Strangers*; United Nations, *The UN and Somalia*.
20. Bacevich, *The New American Militarism*, 48.
21. Hirsch and Oakley, *Somalia and Operation Restore Hope*, 156.
22. For a detailed examination of UNITAF, see Kaempf, *Wrestling under Conditions of Asymmetry*, 178–210.
23. Maren, 'Cleaning up from the cold in Somalia'.
24. Durch, 'Introduction to Anarchy', 323–4.
25. Goulding, 'The Evolution of United Nations Peacekeeping', 451–64.
26. United Nations, *The UN and Somalia*, 217.
27. Clarke and Herbst, 'Somalia and the Future of Humanitarian Intervention', 193.
28. Hirsch and Oakley, *Somalia and Operation Restore Hope*, 111.
29. Dauber, 'Implications of the Weinberger Doctrine'.
30. Clinton, *My Life*, 554.
31. Farrell, 'Sliding into War', 202.
32. Clarke and Herbst, 'Somalia and the Future of Humanitarian Intervention', 73.
33. The Delta Forces and Army Rangers reported neither to the UNOSOM II command nor to Montgomery but directly through their own commander, Major General William Garrison, to decision-makers in the US (Bacevich, *American Empire*, 145).
34. Allard, *Somalia Operations*, 18–19.
35. Bacevich, *American Empire*, 143–4.
36. Lewis and Mayall, 'Somalia', 116.
37. Farrell, 'Sliding into War', 204–5.
38. Bacevich, *American Empire*, 144.
39. Lewis and Mayall, 'Somalia'; Sloyan, 'Mission in Somalia'.
40. Lewis and Mayall, 'Somalia', 117–18.
41. It concluded that the attacks were orchestrated by Aideed, yet no conclusive evidence was found that the attacks were pre-planned and premeditated (Wheeler, *Saving Strangers*, 194–5).
42. Clarke and Herbst, 'Somalia and the Future of Humanitarian Intervention', 80.
43. Interview with John Hirsch in New York, 14 January 2005.
44. Allard, *Somalia Operations*, 30–1; Bacevich, *American Empire*, 144.
45. United Nations, *The UN and Somalia*, 391–2.
46. *Ibid.*, 385.
47. Wheeler, *Saving Strangers*, 196.
48. Church, 'The Anatomy of a Disaster'.
49. Durch, 'Introduction to Anarchy', 311–15.
50. Wheeler, *Saving Strangers*, 196–8; Bacevich, *American Empire*, 144.
51. Mack, 'Why Big Nations Lose Small Wars'.
52. Bowen, *Black Hawk Down*.
53. Peterson, *Me against My Brother*, 96.
54. Hirsch and Oakley, *Somalia and Operation Restore Hope*, 123.
55. Telephone interview with Mark Bowden, 24 November 2004.
56. Peterson, *Me against my Brother*, 99.

57. Interview with Chuck Ikins (Somalia Task Force, Office of Secretary of Defence) in Washington, DC, 30 November 2004.
58. Peterson, *Me against my Brother*, 112.
59. Miller and Moskos, 'Humanitarians or Warriors?', 6; Bowden, *Black Hawk Down*, 142.
60. KIA: 7; WIA: 56 (United Nations, *The UN and Somalia*, 391).
61. Telephone interview with Jonathan Howe, 6 January 2005.
62. Allard, *Somalia Operations*, 36–7.
63. United Nations, *The UN and Somalia*, 52.
64. Bacevich, *American Empire*, 145; Peterson, *Me against my Brother*, 100.
65. Human Rights Watch, *Somalia Faces the Future*.
66. African Rights, *Somalia*, 7–10.
67. 'Additional Protocol to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I)'.
68. Sly, 'UN Raises the Ante in Somalia Attacks'.
69. The raid was a unilateral US operation approved up the American chain of command to the White House. Montgomery said, 'this operation was a US operation, approved at the very highest levels in Washington before being executed' (telephone interview with Thomas Montgomery, 24 June 2005). Jonathan Howe emphasized that 'this and all other US operations were approved all the way up to DC. But I don't know to what extent it was going through Annan in New York' (telephone interview with Jonathan Howe, 21 June 2005). The decisions on the specific conduct were taken by a very small circle of American UNOSOM II leaders in Mogadishu (telephone interview with Jonathan Howe, 6 January 2005; telephone interview with Thomas Montgomery, 16 March 2005).
70. Richburg, 'UN Helicopters Assault in Somalia Targeted Aideed's Top Commanders'.
71. Peterson, *Me against my Brother*, 130; telephone interview with Thomas Montgomery, 24 June 2005; telephone interview with Jonathan Howe, 21 June 2005.
72. Africa Rights, *Somalia*, 5–7; Hirsch and Oakley, *Somalia and Operation Restore Hope*, 121. Aideed claimed that the actual figure was 73 dead and 234 wounded, whereas UNOSOM II estimated the number of Somalis killed at 20.
73. Richburg, 'UN Helicopters Assault in Somalia Targeted Aideed's Top Commanders'; Peterson, *Me against my Brother*, 130; telephone interview with Admiral Howe, 6 January 2005; telephone interview with Thomas Montgomery, 16 March 2005.
74. Wright, 'Legal and Human Rights Aspects of UNOSOM Military Operations'.
75. Telephone interview with Thomas Montgomery, 16 March 2005.
76. Telephone interview with Jonathan Howe, 6 January 2005; telephone interviews with Thomas Montgomery, 16 March and 24 June 2005.
77. Between 5 June and 11 July 1993, 37 UN troops were killed and 130 wounded in action (United Nations, *The UN and Somalia*, 391–2).
78. Telephone interviews with Jonathan Howe, 6 January and 21 June 2005.
79. Telephone interview with Jonathan Howe, 6 January 2005.
80. Montgomery denied that any such meeting took place but did not reject Howe's claim that he as the US military commander argued that the risks for US soldiers would be too high (telephone interviews with Thomas Montgomery, 16 March and 24 June 2005).
81. Interview with Robert Oakley in Washington, DC, 15 June 2005.
82. Zinn, *The Twentieth Century*, 440–1.

83. Human Rights Watch, *Somalia Faces the Future*, 4; telephone interview with Thomas Montgomery, 16 March 2005; telephone interview with Jonathan Howe, 6 January 2005.
84. Cann, 'Somalia', 174; Keane, *The True Story of Black Hawk Down*.
85. Bowden interview on Keane, *The True Story of Black Hawk Down*.
86. De Waal, 'US War Crimes in Somalia', 138; Drysdale, *Whatever Happened to Somalia?*, 203–4.
87. Telephone interview with Thomas Montgomery, 16 March 2005; telephone interview with Jonathan Howe, 6 January 2005.
88. Peterson, *Me against my Brother*, 127; de Waal, 'US War Crimes in Somalia', 138. In the first interviews conducted with Howe and Montgomery in January and March 2005 respectively, both argued that there was no peace meeting taking place and emphasized that this was a war meeting. When presented with claims to the contrary from sources within UNOSOM in June 2005, they changed their accounts slightly, claiming, in the case of Howe that 'there were two meetings going on and the one with the elders was several blocks away' (21 June 2005). Montgomery, interviewed three days later, suddenly changed his previous account too: 'As I said, Admiral Howe told me not a long time ago that the elders were meeting elsewhere . . . He told me last time I saw him that the [elders] meeting this refers to was elsewhere and unrelated to the Abdi House meeting' (telephone interview with Thomas Montgomery, 24 June 2005).
89. Wright, 'Legal and Human Rights Aspects of UNOSOM Military Operations'; Peterson, *Me against my Brother*, 120–130.
90. Walzer, *Just and Unjust Wars*, 153.
91. 'Additional Protocol to the Geneva Conventions of 12 August 1949'.
92. Gutman and Rieff, *Crimes of War*, 195–8.
93. The presence of civilians in such gatherings (women, for instance cook meals and serve tea) is a common Somali tradition, something that UNOSOM II leaders were aware of in principle – even though they adamantly deny that they knew of the presence of civilians. Furthermore, the discussion which took place within UNOSOM II prior to the raid and which was described by Howe clearly indicated that civilians were actually suspected to be present in the building. Otherwise the discussion regarding the early warning that Howe said took place between himself and Montgomery prior to the raid, would seem illogical (see telephone interviews with Jonathan Howe, 6 January and 21 June 2005). Thus, any subsequent claim by American commanders that they were unaware of any civilian presence seems slightly implausible.
94. Wright, 'Legal and Human Rights Aspects of UNOSOM Military Operations'. Both, Howe and Montgomery first denied the existence of this memo (telephone interview with Jonathan Howe, 6 January 2005; telephone interview with Thomas Montgomery, 16 March 2005), but later admitted that they actually received it.
95. Wright, 'Legal and Human Rights Aspects of UNOSOM Military Operations', 1–3 (Lack of clear sentence structure in original).
96. 'Additional Protocol Additional to the Geneva Conventions of 12 August 1949'.
97. Wright, 'Legal and Human Rights Aspects of UNOSOM Military Operations'; Peterson, *Me against my Brother*, 120.
98. Kaempf, 'Double Standards in US Warfare', 668–70.
99. Walzer, *Just and Unjust Wars*, 152–9.
100. Ibid.
101. Wright, 'Legal and Human Rights Aspects of UNOSOM Military Operations', 1–3.
102. Ibid.
103. Walzer, *Just and Unjust Wars*, 156.
104. Johnson, 'The Idea of Just War', 189; Walzer, *Just and Unjust Wars*, 156.

105. Telephone interview with Jonathan Howe, 6 January 2005.
106. Bacevich, *American Empire*, 144; Human Rights Watch, *Somalia Faces the Future*, 3.
107. Hirsch and Oakley, *Somalia and Operation Restore Hope*, 121.
108. Keane, *The True Story of Black Hawk Down*.
109. Peterson, *Me against my Brother*, 127, 130.
110. Interview with Robert Oakley in Washington, DC, 30 November 2004.
111. Record, 'Collapsed Countries, Casualty Dread, and the New American Way of War', 13–14.
112. Cited in Richburg: 'In War on Aideed, UN Battled Itself'.
113. United Nations, *The UN and Somalia*, 298.
114. Bowden, *Black Hawk Down*.
115. Interview with Mark Bowden on Keane, *The True Story about Black Hawk Down*.
116. Bowden, *Black Hawk Down*, 166.
117. Awaleh interview on Keane, *The True Story about Black Hawk Down*.
118. Interview with General Zinni on PBS Frontline, *Ambush in Mogadishu*.
119. Bowden, *Black Hawk Down*, 166.
120. Interview with Abdi Queybdid on *The True Story of Black Hawk Down*.
121. Wheeler, *Saving Strangers*, 198.
122. 'Horror Comes Home'.

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